

San Francisco Bay Conservation and Development Commission

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February 16, 2017

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
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SUBJECT: Revisions to Staff Recommendation on Daxa Patel's Application for BCDC Permit Application No. 2016.003.00 for Construction of a Hotel and Parking Structure located at 2350 Harbor Bay Parkway, in the City of Alameda, Alameda County
(For Commission consideration on February 16, 2017)

Proposed Revisions

The Staff Recommendation on BCDC Permit Application No. 2016.003.00 dated February 10, 2017, to construct a 98-room, four-story hotel, and improve public access space within the Commission's 100-foot shoreline band jurisdiction, at 2350 Harbor Bay Parkway, in the City of Alameda, Alameda County, should be corrected where identified below and, where applicable, throughout the Recommendation (new language emphasized in bold):

Page 6 (II. Special Conditions). Replace existing paragraph with:

- A. **Settlement Agreement.** No later than 60 days following the issuance of this permit, and prior to commencement of construction authorized herein, including outside of the Commission jurisdiction, Harbor Bay Isle Associates (HBIA), the permittee and the Executive Director, acting on behalf of the Commission, shall execute an amendment to the *Third Supplementary Agreement, Harbor Bay Isle Shoreline Park, Harbor Bay Business Park – Phase III, Alameda, California* (Settlement Agreement) between BCDC and HBIA, to include, as an approved land use at the site, the hotel project and required public access authorized herein, **and to allow development of the project as authorized in this permit.** As a party to the amended Settlement Agreement, the permittee shall be bound by the terms of the Settlement Agreement, insofar as it establishes standards related to the use of the project site, **consistent with the uses allowed under this permit.** Within 30 days after execution of the Settlement Agreement amendment, the permittee shall record the amended Settlement Agreement on all parcels affected by this instrument and shall provide evidence of recording to the Commission.